

**Exemption No. 5568**

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
RENTON, WASHINGTON 98055-4056**

In the matter of the petition of

**TRANS WORLD AIRLINES, INC.**

**Regulatory Docket No. 27072**

for an exemption from § 121.310  
(f)(3)(iii) of the Federal  
Aviation Regulations

**PARTIAL GRANT OF EXEMPTION**

By letter of November 19, 1992, Mr. L. F. Brett, Director, FAA/ATA Liaison and Quality Assurance, Trans World Airlines Inc., P.O. Box 20126, Kansas City International Airport, Kansas City, Missouri 64195, petitioned for exemption from § 121.310(f)(3)(iii) of the Federal Aviation Regulations (FAR) to permit operation until February 1, 1993, of airplanes having Type III exits that have not been shown to comply with the placarding requirements of § 25.813(c)(3).

**Section of the FAR affected:**

Part 121 prescribes rules governing the certification and operations of air carriers, air travel clubs, and certain operators for compensation and hire. Section 121.310 of that part contains, in part, standards for access to emergency exits. Paragraph (f)(3)(iii) of that section, as amended by Amendment 121-228, requires that after December 3, 1992, airplanes type certificated after January 1, 1958, must meet the requirements of § 25.813(c) effective June 3, 1992. Section 25.813(c), in addition to requiring improved access to Type III exits, also requires, in paragraph (c)(3), the installation of placards at Type III exits. These placards are intended to inform passengers how to open the exit in an emergency.

**The petitioner's supportive information is as follows:**

Citing the provisions of § 121.310(f)(3)(iv), Trans World Airlines, Inc., submitted a letter dated October 30, 1992, requesting certain

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deviations from the improved access requirements of § 25.813(c)(1)(i), as mandated by § 121.310(f)(3)(iii). The FAA's response letter dated November 5, 1992, which addressed those requested deviations, also noted that the Trans World Airlines' letter had not addressed the placard requirements of § 25.813(c)(3), and advised that if they could not be installed by December 3, 1992, a petition for exemption should be initiated because the provisions of § 121.310(f)(3)(v) did not apply. Trans World Airlines indicated in a November 18, 1992, letter that they would not be able to install the placards by the deadline, and were preparing a petition for exemption. The petition that was received by the FAA on November 23, 1992, conveyed the belief held at Trans World Airlines that the placards were included in their request for deviation, and that there were no indications prior to the FAA's letter of November 5, 1992, that a petition for exemption was required for placards. Trans World Airlines stated that prototype placards were received November 18, 1992, and that the final placards, which incorporate refinements to the prototype, are estimated to be available for installation December 22, 1992. Installation in the fleet is estimated to be completed by February 1, 1993.

Accordingly, Trans World Airlines requests that exemption from the placard requirements of §§ 121.310(f)(3)(iii) and 25.813(c)(3) be granted effective December 3, 1992, and continue in effect until February 1, 1993, at which time it is expected the installations will be completed. Additionally, they request that the publication and comment requirements of § 11.27(c) and the 120-day advance submission requirement of § 11.25(b)(1) be waived so as not to delay action on this petition.

Trans World Airlines believes that the granting of this petition would be in the public interest in that if it were not to be granted, Trans World Airlines would not be able to operate its fleet of DC9-10, DC9-30, DC9-40, DC9-80, B727-100, B727-200 and B767-200 airplanes from December 3, 1992, to February 1, 1993. This would inconvenience the public.

The FAA finds, for good cause, that action on this petition should not be delayed by publication and comment procedures for the following reasons: (1) a grant of exemption would not set a precedent in that it is for a time extension from a requirement and not permanent relief from the requirement and therefore would not create a public safety issue, and (2) a delay in acting on the petition would be disruptive to the flying public and create a major economic burden on the operator.

**The Federal Aviation Administration's analysis/summary is as follows:**

The petitioner's request is for temporary relief from the compliance date mandated in § 121.310(f)(3)(iii) for accomplishment of the placarding provisions of § 25.813(c)(3). The necessity for the petition is based on the unavailability of placards until after the required compliance date for installation.

In reviewing the available information, the FAA is not convinced that the petitioner has made its best effort to modify the affected airplanes in a reasonably expeditious manner. Note is made of the ample period of time from May 4, 1992, when the rule was published in the Federal Register, to the December 3, 1992, deadline for designing, procuring, and installing the required placards. The petitioner's argument regarding its intentions for processing the placard compliance date extension as a deviation request is without merit. If the petitioner had initiated compliance in a timely manner, it would not have been "impractical" to comply by the compliance deadline; and therefore the criterion for granting a deviation under the regulation could not have been met.

Although the operator has brought about the need for this exemption through its own delays, the FAA nevertheless finds that it is in the public interest to grant the petition because the alternative would be to ground the operator's aircraft and subject the public to an unacceptable degree of inconvenience.

With respect to the duration of the extension, however, the petitioner is proposing to allow almost six weeks from the estimated placard availability date to install placards on what the FAA has determined from Trans World Airlines' data to be 140 airplanes. The FAA considers that at a more aggressive, but attainable, rate of approximately 75 airplanes per week, the installations could be completed in two weeks after the estimated placard delivery date. Allowing additional time for schedule slippage, etc., the installations should be completed by January 15, 1993. This is approximately two weeks earlier than the schedule proposed by the petitioner.

In consideration of the foregoing, I find that a partial grant of exemption is in the public interest and will not adversely affect the level of safety provided by the regulations. Therefore, pursuant to the authority contained in §§ 313(a) and 601(c) of the Federal Aviation Act of 1958, delegated to me by the Administrator (14 CFR 11.53), a partial grant of exemption is hereby granted to Trans World Airlines, Inc., to permit operation from December 3, 1992, until January 15, 1993, of airplanes that do not comply with the placarding provisions of §§ 121.310(f)(3)(iii) and 25.813(c)(3), after which time the placards must be installed in order to be eligible for continued operation under the provisions of Part 121.

Issued in Renton, Washington, on December 3, 1992.

/s/ Ronald T. Wojnar, Manager  
Transport Airplane Directorate  
Aircraft Certification Service